



**Court Services and Offender Supervision Agency
for the District of Columbia**

*Community Supervision Services
Office of the Associate Director*

MEMORANDUM

May 22, 2003

TO: Addressees

FROM: Thomas H. Williams, Associate Director (*signed*)
Community Supervision Services

RE: Accountability Tours
Role of CSO in Search and Seizure
Subject: Guidance

Reference is made to the Agency's policies noted above. This correspondence is being forwarded as additional guidance relative to these policies.

Conducting community visits with law enforcement is one of the strategies instituted to accomplish our goals of crime prevention and offender compliance. In regards to crime prevention, we have a shared goal with law enforcement entities.

Our Search and Seizure policy prohibits staff from conducting searches and seizures for weapons and/or controlled substances. Other items, which are legal but prohibited as a condition of community supervision (e.g., videotapes thought to depict pornography), may not be seized from an offender unless there is a specific directive from the releasing authority (e.g., "seize from the offender any pornographic material"). In the event of such a directive, the only items that staff may seize are those (1) explicitly enumerated in the release conditions, (2) when they are in plain view, and (3) when the CSO is reasonably confident that removing the item will not compromise his/her own safety. When a search or any seizure other than the type described above becomes necessary, law enforcement entities should be contacted to provide assistance.

During the accountability tours, searches and seizures by law enforcement officers can occur under the following conditions:

- 1) Illegal items are seen in plain view (e.g., the butt of a weapon is visibly protruding from under a couch, or what appears to be illegal drugs are viewed on a kitchen table); or
- 2) The CSO and/or SCSO believe that reasonable suspicion exists that a crime has been or is about to be committed (e.g., the offender's behavior is inconsistent

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with his/her usual pattern – the offender is unusually nervous, excessively sweating, etc., or upon entering the home, the smell of marijuana is noticeable), and written consent is obtained, using the model consent form attached to the Search and Seizure policy for a search within the scope specified in the consent; or,

- 3) A search condition has been imposed on the offender by the releasing authority and the CSO and/or SCSO believe that reasonable suspicion exists that a crime has been or is about to be committed.

If no search condition is in place and the offender refuses to sign the consent form, the search cannot occur. The only recourse is either to obtain a search condition or for law enforcement to obtain a search warrant.

If the offender gives permission for the law enforcement officer to search, the CSO is not to engage in the search. If illegal items are found as a result of the search, the law enforcement officer may seize those items and place the offender under arrest. Upon returning to the office, the CSO is to immediately advise his/her supervisor or the supervisor's designee of the incident and to document the incident in SMART, as appropriate.

With regards to the accountability tours, CSOSA is in partnership with, but is not the agent of, law enforcement. One of the purposes of the accountability tour is to present a united front to the offender and to the community in our efforts directed towards offender compliance with the conditions of release. Law enforcement cannot use our invitation to assist in home visitation of offenders as a license to abridge the constitutional rights of any citizen.

CSOs are required to plan all community visits, and there must be specific goals related to the community visit, consistent with the goals for supervision and case planning strategies. Accountability tours are not intended to be used in all cases (only intensive and maximum cases), but only in those instances in which the supervising CSO and his/her SCSO believe that the case presents certain supervision risks that could be minimized or controlled by these special visits with law enforcement officers.

Addressees:

CSS Branch Chiefs
CSS SCSOs

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